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LETTER DATED 7 MARCH 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward, enclosed herewith, the statement of the Government of the Federal Republic of Yugoslavia of 6 March 1999 relative to the decision of the Arbitral Tribunal on Brcko (see annex).

I would be very grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-06321 (E) 080399

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Annex

Statement of the Government of the Federal Republic of Yugoslavia of 7 March 1999*

Regarding the decision of the Presiding Arbitrator of the Arbitral Tribunal, Roberts B. Owen, to declare the municipality of Brcko a district under the sovereignty of Bosnia and Herzegovina, the Federal Government of the Federal Republic of Yugoslavia, as a guarantor of the Dayton/Paris Peace Agreement, points out that such a decision has no grounds in the agreement of the parties, as set forth in article 5 of annex 2 of the Dayton/Paris Peace Agreement, nor in the constitution of Bosnia and Herzegovina. Not bringing into question the right of the Arbitral Tribunal to pass its decisions, the Federal Government considers that decisions may only refer to the subject of the dispute as set forth in the Dayton/Paris Agreement, which means - to the disputed part of inter-entity boundary line in the area of Brcko, and not to the status of "the Brcko opstina" (the Brcko municipality), which is not mentioned anywhere in the Agreement.

Through the decision of the Presiding Arbitrator the third entity is de facto created in Bosnia and Herzegovina, contrary to the explicit constitutional provision according to which Bosnia and Herzegovina is composed of two entities: Republika Srpska and the Federation of Bosnia and Herzegovina. Passing decisions by Mr. Owen outside the framework and mandate of the Dayton/Paris Peace Agreement in a way that changes the very constitutional structure of Bosnia and Herzegovina, represents a flagrant violation of the Agreement and law in general.

This decision brings into question the compactness of the territory of Republika Srpska, which is its vital interest, enshrined in the very basis of the Dayton/Paris Peace Agreement. For the above-stated reasons, this solution may become the cause of long-term instability in Bosnia and Herzegovina and in the region.

Having all this in mind, the Federal Government considers that there are serious reasons that call for the reconsideration of the decision of Roberts B. Owen, for ensuring unprejudiced deliberation and for bringing back the proceedings within the framework of the mandate established by the Dayton/Paris Peace Agreement.

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* Title as submitted by the representative of Yugoslavia.